

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE:
PETITION OF INDEX
NEWSPAPERS LLC d/b/a
THE STRANGER TO UNSEAL
ELECTRONIC SURVEILLANCE
DOCKETS, APPLICATIONS AND
ORDERS

CASE NO. 2:17-MC-00145-RSL

JOINT STATUS REPORT

Petitioner, Index Newspapers LLC d/b/a The Stranger, by and through its attorneys of record Geoffrey M. Godfrey and Aaron Mackey, and the United States Attorney's Office for the Western District of Washington, by and through Helen J. Brunner, First Assistant United States Attorney, and Teal Luthy Miller, Assistant United States Attorney, file this status report as required by the Court's December 4, 2018 order.

1. The United States Attorney's Office for the Western District of Washington (USAO) and the Clerk of the Court for the Western District of Washington (Clerk) have signed a Memorandum of Understanding for a two-year pilot program governing the procedures by which the USAO seeks, and the Clerk docket, orders authorizing the use of certain investigative processes so as to make more information about the use of those processes available prospectively through reports created from the PACER system.

2. The Memorandum governs how the USAO will submit applications for orders under the Pen Register Act, 18 U.S.C. §§ 3123, 3124, authorizing the installation and use of a pen register or a trap and trace device and requiring a third party to assist with a pen register or a trap and trace device to obtain prospective dialing/signaling information for a mobile device, email and/or social media account (“PR/TT orders”);

1 orders under the Stored Communications Act, 18 U.S.C. §§ 2703(b), 2705, requiring
2 service providers to provide law enforcement with subscriber information and other non-
3 content information or records pertaining to the subscriber or customer for one or more of
4 these accounts, and prohibiting the provider from disclosing such order to the customer
5 for a period of time (“2703(d) orders”); and applications that seek both PR/TT order and
6 a 2703(d) orders, collectively referred to here as “PT Applications and Orders.”

7 3. Beginning on January 1, 2020, the Clerk will generate three semi-annual
8 reports reflecting the docket numbers and case captions associated with PT Applications
9 and Orders. These reports will be made publicly available on January 1 and July 1 of
10 each year in electronic form on the Court’s website in a PT docket report. The PT docket
11 report will contain docket numbers and case captions for PT Applications and Orders for
12 these types of orders filed during the six-month period ending six months before the
13 issuance of the report. Further details are provided in the Memorandum, which will be
14 posted on the Court’s website.

15 4. Petitioner and the USAO are negotiating a potential stipulated dismissal of
16 this action without prejudice, which they anticipate being able to file on or before January
17 18, 2019. Accordingly, the parties jointly request an order extending the stay previously
18 entered by the Court in this matter for one week. The parties shall, on or before January
19 18, 2019, file a stipulation to dismiss this matter without prejudice or otherwise provide a
20 joint status report indicating whether resolution of the petition on its merits is necessary,
21 or whether a status conference is appropriate.

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23 DATED this 11th day of January, 2019.
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record.

/s/ Gregore J. Sambor

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